

BARRY J. PORTMAN  
Federal Public Defender  
HILARY A. FOX  
Assistant Federal Public Defender  
555 - 12<sup>th</sup> Street, Ste. 650  
Oakland, California 94607-3627  
Telephone: (510) 637-3500

Counsel for Defendant SPRAGANS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR 05-00271-SBA
	)	
Plaintiff,	)	STIPULATION AND
	)	ORDER FOR CONTINUANCE AND
v.	)	EXCLUSION OF TIME UNDER THE
	)	SPEEDY TRIAL ACT, 18 U.S.C. §3161
SHAWAN ISHMILL SPRAGANS, and	)	<u>ET SEQ.</u>
ANTOINE EVANS,	)	
	)	Date: July 5, 2005
Defendants.	)	Time: 9:00 a.m.
	)	Court: Hon. Sandra Brown Armstrong
	)	U. S. District Court

This matter is currently on calendar for change of plea on Tuesday, July 5, 2005, at 9:00 a.m. The parties jointly stipulate and request that the matter be taken off calendar and continued to the new date of July 26, 2005, at 11:00 a.m., or as soon thereafter as the Court is available, for change of plea, and further request that the time between today's date and July 26, 2005, be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv) for the reasons set forth in this stipulation.

First, the parties require additional time for research and investigation. Specifically, the parties remain hopeful that both matters will be resolved without a trial. At the present time, however, the parties are not ready to proceed with a change of plea. The government has indicated that additional charges may be filed. Counsel for defendants require additional time to conduct investigation and legal research regarding both the charged offense and the potential

1 additional charges.

2 Second, there are issues regarding the availability of counsel. Specifically, counsel for  
3 defendant Evans is unavailable on July 5 at 9:00 a.m. because he has a conflicting court  
4 appearance in state court. Counsel for defendant Evans will also be unavailable on Tuesday, July  
5 12. Government counsel will be unavailable from July 11 through July 15. Counsel for Mr.  
6 Spragans will be unavailable from July 14 through July 24. July 26 is thus the first date that all  
7 parties will be available.

8 For the foregoing reasons, the parties stipulate and agree that the ends of justice served by  
9 the continuance requested herein outweigh the best interests of the public and the defendant in a  
10 speedy trial because the failure to grant such a continuance would unreasonably deny defendants  
11 adequate time to prepare, taking into account the exercise of due diligence, and would  
12 unreasonably deny defendants the continuity of counsel. The parties therefore stipulate and agree  
13 that this period of time should be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A)  
14 and (B)(iv).

15  
16 SO STIPULATED.

17 Dated: June 30, 2005

/S/

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HILARY A. FOX  
Attorney for Defendant Spragans

SO STIPULATED.

Dated: June 30, 2005

/S/

JAMES PHILLIP VAUGHNS  
Attorney for Defendant Evans

SO STIPULATED.

Dated: June 30, 2005

/S/

MERRY JEAN CHAN  
Assistant United States Attorney

1  
2 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
3 “conformed” signature (/S/) within this e-filed document.  
4

5 ORDER

6 Based on the reasons provided in the stipulation of the parties above, the Court hereby  
7 FINDS that the ends of justice served by granting of the requested continuance outweigh the best  
8 interests of the public and the defendants in a speedy trial, and that the failure to grant the  
9 requested continuance would unreasonably deny defendants continuity of counsel and would deny  
10 defendants the reasonable time necessary for effective preparation, taking into account the exercise  
11 of due diligence. See 18 U.S.C. §3161(h)(8)(A) & (B)(iv).

12 Based on these findings, IT IS HEREBY ORDERED THAT the hearing that is currently  
13 scheduled for July 5, 2005, shall be continued to July 26, 2005, at 11:00 a.m. for change of plea,  
14 and that the time from today’s date through July 26, 2005, shall be excluded for purposes of the  
15 Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

16 IT IS SO ORDERED.

17 Dated: July 5, 2005

18 /s/ Sandra Brown Armstrong  
19 SAUNDRA BROWN ARMSTRONG  
20 United States District Court  
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